

United States District Court
for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 14, 2018

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Francis Joe Rodriguez

Case Number: 0980 1:15CR02028-SAB-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: November 14, 2017

Original Offense: Conspiracy to Distribute Methamphetamine, 21 U.S.C. §§ 841(a)(1), (b)(1)(c) and 846

Original Sentence: Prison - 366 days;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Ben Seal

Date Supervision Commenced: March 21, 2018

Defense Attorney: Jeremy Sporn

Date Supervision Expires: March 20, 2021

PETITIONING THE COURT

To issue a warrant and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on May 10, 2018, July 2, 2018 and July 12, 2018.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #3: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rodriguez is alleged to have consumed methamphetamine on or about August 29, 2018.

Mr. Rodriguez's conditions were reviewed with him on November 16, 2017, and March 13, 2018. He signed his conditions acknowledging an understanding of his conditions, which include special condition number 3, as noted above.

On August 29, 2018, Mr. Rodriguez provided a urinalysis (UA) at Comprehensive Health Care (Comprehensive) in Yakima, Washington, at the direction of his substance abuse counselor. The UA was sent to Cordant Health Solutions Laboratory (Cordant) for confirmation testing. On September 5, 2018, Comprehensive received a positive drug test report from Cordant showing positive results for the presence of methamphetamine. Mr. Rodriguez's substance abuse counselor contacted this officer on September 7, 2018, and discussed the positive test results.

Re: Rodriguez, Francis Joe

September 14, 2018

Page 2

U.S. Probation received a copy of the drug test report on September 11, 2018, showing positive results for the presence of methamphetamine.

- 6 **Special Condition #5:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Rodriguez is alleged to have consumed alcohol on or about August 29, 2018.

On May 8, 2018, Mr. Rodriguez signed a waiver of Hearing to Modify Conditions of Supervised Release and agreed to abide by special condition number 5, as noted above.

On August 29, 2018, Mr. Rodriguez provided a UA at Comprehensive in Yakima at the direction of his substance abuse counselor. The UA was sent to Cordant for confirmation testing. On September 5, 2018, Comprehensive received a positive test report from Cordant showing positive results for the presence of alcohol. Mr. Rodriguez's substance abuse counselor contacted this officer on September 7, 2018, and discussed the positive test results.

U.S. Probation received a copy of the drug test report on September 11, 2018, showing positive results for the presence of alcohol.

- 7 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rodriguez is alleged to have consumed methamphetamine on or about September 5 and 6, 2018.

Mr. Rodriguez's conditions were reviewed with him on November 16, 2017, and March 13, 2018. He signed his conditions acknowledging an understanding of his conditions, which include special condition number 3, as noted above.

On September 10, 2018, Mr. Rodriguez reported to the United States Probation Office and was instructed to provide a UA. Mr. Rodriguez failed to provide a UA sample and was instructed to report back to the office at 8 a.m. on September 11, 2018, for the purpose of providing a UA.

On September 11, 2018, Mr. Rodriguez reported to the United States Probation Office as directed at 8 a.m. and was unable to provide a UA. He was directed to sit in the lobby of the probation office until he could provide a UA. Instead of waiting in the lobby as directed, Mr. Rodriguez left the courthouse without permission. A probation officer called Mr. Rodriguez and left him a message on his voice mail to report by 3 p.m. that same day or Court action would be requested. Mr. Rodriguez returned to the United States Probation Office at 3 p.m. that day and provided a UA which site-tested positive for methamphetamine. After submitting the positive UA, Mr. Rodriguez admitted to consuming methamphetamine on September 5 and 6, 2018.

Re: Rodriguez, Francis Joe

September 14, 2018

Page 3

The U.S. Probation Office respectfully recommends the Court issue a warrant and incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on May 10, July 2, and July 12, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 14, 2018

s/Phil Casey

Phil Casey
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

September 14, 2018

Date